

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

NEWELL-RUBBERMAID, INC.,

Plaintiff,

-v.-

THE RAYMOND CORPORATION, et al.,

Defendants.

Case No. 5:08-cv-02632-SL

Judge Sara Lioi

**THE RAYMOND CORPORATION'S  
MOTION TO EXCLUDE THE  
TESTIMONY OF BEN RAILSBACK**

Defendant, The Raymond Corporation ("Raymond"), hereby moves pursuant to Fed. R. Evid. 702 and this Court's Case Management Order, for an Order Excluding the Testimony of Ben Railsback, the Proffered Expert of Plaintiff, Newell Rubbermaid, Inc. Mr. Railsback's testimony should be excluded from trial on the ground that he is not qualified to render expert opinions in this matter and his testimony is unreliable, within the meaning of *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 589, 113 S. Ct. 2786 (1993), and its progeny.

Raymond's motion is supported by Raymond's accompanying brief, the exhibits thereto, and the records on file in this action.

Dated: March 1, 2010.

Respectfully submitted,

/s Raymond D. Jamieson  
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